HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21242 of 2006

Dated 7th September, 2007

Between

Ms. Gara Annamma

…Petitioner

and

The Government of Andhra Pradesh, rep. By its Secretary, Law, Secretariat, Hyderabad, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :21242 of 2006

ORDER:

The petitioner, a practising Advocate at Gurazala in Guntur District, has filed this Writ Petition, questioning the communication in proceedings C.No.151 to 155/SB-VR/06, dated 23-2-2006 sent by the Superintendent of Police, Guntur, to the Collector & District Magistrate, Guntur.

For the purpose of appointment of Additional Public Prosecutor to the Court of Assistant Sessions Judge, at Gurazala, a panel, of Advocates were sent by the Collector and District Magistrate, Guntur. The petitioner is one of the candidates in the said panel. Before sending the panel to the Government, the Collector and District Magistrate addressed the Superintendent of Police, Guntur for verification of antecedents of the advocates figured in the panel. In response to the same, at the first instance, the Superintendent of

Police, Guntur, sent information to the Collector & District Magistrate, stating that the petitioner involved in three criminal cases, but however, they ended in acquittal. When such report was sent, the petitioner has come up with this Writ Petition stating that false report was sent against her, though she was not involved in any criminal case.

Counter affidavit is filed by the third respondent-Superintendent of Police, Guntur, stating that the husband of the petitioner involved in three criminal cases, and, instead of mentioning the name of the husband of the petitioner, by mistake, it was mentioned that the petitioner involved in three criminal cases. It is further stated that after noticing the said mistake, revised report was sent to the Collector & District Magistrate, vide proceedings in C.No.151 to 155/B-VR/06, dated 3-3-2006. However, in the counter affidavit, it is stated that the said revised report was not placed before the Collector & District Magistrate.

When the matter is taken up, it is submitted by the learned Government Pleader appearing for the respondent that during the pendency of the Writ Petition, subsequently, the District Collector also forwarded the revised report to the Government sent by the Superintendent of Police, Guntur, to the Government.

The petitioner has questioned the report dated 23-2-2006 sent by the Superintendent of Police, Guntur, to the Collector & District Magistrate, Guntur. But, however, in view of the revised report in Proceedings C.No.151 to 155/B-VR/06, dated 3-3-2006 sent to the Collector & District Magistrate, the earlier report stands superseded. Even, the learned Government Pleader submitted that the Collector & District Magistrate had sent revised report to the Government and the matter is pending before the Government for appointment of the suitable candidate as Additional Public Prosecutor to the Court of Assistant Sessions Judge, Gurazala. In view of the revised report sent

by the Superintendent of Police, Guntur, which, in-turn was forwarded by the Collector & District Magistrate to the Government, I dispose of the Writ Petition directing the first respondent-Government to consider the revised report sent by the Collector & District Magistrate and pass appropriate orders for appointment of the Additional Public Prosecutor to the Court of Assistant Sessions Judge, Gurazala, without reference to the report dated 31-3-2006 in proceedings Rc.No.1677/05-C2, sent by the Collector & District Magistrate, Guntur.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 7-9-2007.
Msnr.